

- Group II: Claims 1-2, 4, 6, 10 and 12, drawn to a pharmaceutical composition containing a compound of formula II;
- Group III: Claims 1-2, 5, 6, 11 and 12, drawn to a pharmaceutical composition containing a compound of formula III;
- Group IV: Claim 8, drawn to a use of a nonprostanoid prostaglandin I₂ agonist in the manufacture of pharmaceutical compositions; and
- Group V: Claim 9, drawn to a method for prevention and/or treatment of skin ulcer or bedsore using a nonprostanoid prostaglandin I₂ agonist containing composition.

In addition, the Office has required the election of single disclosed species for the elected group.

The Examiner asserts that the claimed compounds are not novel over the prior art because WO 95/24393 teaches a treatment of “arterial obstruction”. However, Applicants fail to understand the relevance of such a treatment method, nor has the Examiner explained the relevance of treating “arterial obstruction”.

Furthermore, MPEP in §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The Examiner has apparently examined all of the claims as stated at page 3, line 3, of the Official Action. Thus, Applicants respectfully submit that a search of all the claims would not impose a serious burden. Accordingly the Applicants respectfully request that restriction is improper must be withdrawn.

Moreover, PCT Article 27(1) states:

No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

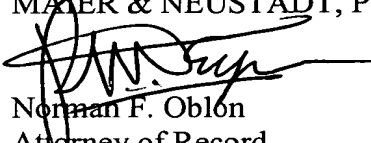
Applicants are unaware of any provision in the PCT which allows the Examiner to require election of species. Thus, since PCT Article 27(1) does not permit the Examiner to apply requirements "different or additional to those provided for" in the PCT, Applicants submit that the election of species requirement is improper.

In light of the above arguments, the Examiner has failed to meet the burden necessary in order to sustain the Restriction and Election of Species Requirement. Withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited

Respectfully submitted,

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